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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,418	05/06/2005	Javier Del Prado Pavon	US020430	7091
24737 7590 12/31/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER MACK, SYLVIA	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/534,418

Applicant(s)

DEL PRADO PAVON ET AL.

Examiner

Sylvia Mack

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 9, 13 - 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 9, 13 - 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Amendment**

#### ***Response to Argument***

Applicant's arguments filed on October 15, 2007, with respect to the rejection(s) of claims 1 – 24, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1 – 9, 13 – 21** are rejected under 35 U.S.C. 102(a) as being unpatentable over Ho (US Pub. 2003/0081547).

Regarding claims 1, 7, 13 and 19, Ho teaches a Hybrid Controller (HC) for an IEEE 802.11 wireless data communications system 100 supporting quality of service (QoS) enhancements (Abstract, pages 2 - 3, paragraph [0029]) comprising: a Station Management Entity (SME) 202 within the HC; and a Media Access Control (MAC) Sub Layer Management Entity (MLME) 201 within the HC and communicably coupled both to the SME 202 and to MLMEs 201 for wireless stations (WSTAs) 106, 109 participating in the IEEE 802.11 wireless data communications system 100 (Hybrid Controller – 257 comprises MLME coupled to a SME. WSTAs –255, both include a MLME (page 4, paragraphs [0041] – [0042], [0047], Fig 2b).

Official notice is taken of both the motive and modification necessary for the SME to generate a request primitive for transmission to the MLME in response to a schedule change for one of the participating WSTAs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ho to incorporate wherein responsive to a schedule change for one of the participating WSTAs the SME within the HC generates a request primitive for transmission to the MLME 201 within the HC as an indication to the network that the WSTA can no longer maintain communication with another WSTA with the current allocated operating parameters as a result of modifications or changes to certain requirements or criteria such as traffic streams or schedules. One of ordinary skill would have been motivated to perform such modification because this provides for the

exchange and negotiation of communication parameters allowing the network to meet various performance requirements and conditions

wherein, participating WSTAs 106, 109, the MLME 201 within the HC determines a result for the request primitive and generates a confirm primitive for transmission to the SME 202 within the HC (page 4, paragraphs [0046], [0048], [0051], page 7, paragraph [0068], Fig. 2b, Fig. 5a).

Regarding claims 2 and 14, as applied to claims 1 and 13, Ho further discloses wherein the request primitive contains an address for the one of the participating WSTAs 106, 109 and a Schedule Element (Ho discloses QoS primitives consist of QoS action frame bodies. It's inherent that the QoS request primitive consists of QoS action frame bodies that include the address of one of the WSTA and the Schedule Element (page 5, paragraphs, [0048] - [0050], page 7, paragraph [0073], Fig. 6a).

Regarding claim 3 and 15, as applied to claims 2 and 14, Ho further discloses wherein the SME 202 transmits the request primitive to the MLME 201 within the HC (page 4, paragraph [0050], pages 6 – 7, [0067], Fig. 5a).

Regarding claims 4 and 16, as applied to claims 3 and 15, Ho further discloses wherein responsive to receiving the request primitive from the SME 202, the MLME 201 formulates a Schedule QoS Action frame containing the Schedule Element and transmits the formulated Schedule QoS Action frame (Ho discloses Qos primitives consist of QoS action frame bodies. It's inherent that the QoS request primitive consist of QoS action frame bodies that include the Schedule Element [page 5, paragraphs [0048] - [0050],

pages 6 - 7, paragraphs [0066], [0067], Fig. 5a)).

Regarding claim 5 and 17, as applied to claims 4 and 16, Ho further discloses the wireless data communications system 100 further comprising: a MLME 201 within the one of the participating WSTAs 106, 109, wherein the MLME 201 within the one of the participating WSTAs 106, 109, responsive to receipt of the Schedule QoS Action frame by the one of the participating WSTAs 106, 109, generates an indication primitive for transmission to an SME 202 within the one of the participating WSTAs 106, 109 (page 5, paragraph [0052], page 7, paragraphs [0067] – [0068], Fig. 5a).

Regarding claims 6 and 18, as applied to claims 5 and 17, Ho further discloses wherein the indication primitive includes the Schedule Element (Ho teaches QoS primitives include QoS action frame bodies. It's inherent that the QoS indication primitive consists of QoS action frame bodies that include the Schedule Element (page 5, paragraphs, [0048], [0052], page 7, paragraph [0073], Fig. 6a).

Regarding claims 8 and 20, as applied to claims 7 and 19, Ho further discloses wherein the confirm primitive includes a result code corresponding to the result for the request primitive (page 5, paragraph [0051]).

Regarding claims 9 and 21, as applied to claims 8 and 20, Ho further discloses the MLME 201 within the HC transmits the confirm primitive to the SME 202 within the HC (page 5, paragraph [0051], page 7, paragraph [0068], Fig. 5a).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of the art with respect to clips and bookmarks in general:

US Pub. No. 2003/0081583 to Kowalski

US Pub. No. 2003/2014905 to Solomon et al.

US Pub. No. 2004/0071154 to Wentink

US Pub. No. 2004/0184475 to Meier

US Pub. No. 2005/0174973 to Kandala et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia Mack whose telephone number is 571-270-1212.

The examiner can normally be reached on Monday – Friday from 8:00 am to 5 pm.

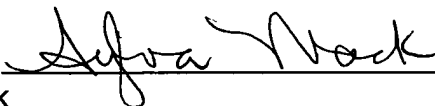
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro, can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

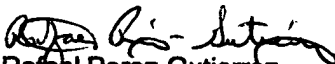
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business  
Center (EBC) at 866-217-9197 (toll-free).

Signature:   
Sylvia Mack  
Examiner / Art Unit 2617

  
Rafael Perez-Gutierrez  
Supervisory Patent Examiner  
Technology Center 2600  
Art Unit 2617  
12/26/07